



## BOARD OF SELECTMEN

### TOWN OF TEWKSBURY

TOWN HALL

1009 MAIN ST

TEWKSBURY, MASSACHUSETTS 01876

TODD R. JOHNSON, CHAIRMAN  
SCOTT WILSON, VICE CHAIRMAN  
BRUCE PANILAITIS, Ph.D., CLERK  
DAVID H. GAY  
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## MEETING MINUTES

**JUNE 17, 2014**

Chairperson Todd Johnson called the meeting to order at 7:00 p.m. Present for the Board of Selectmen meeting were Bruce Panilaitis, Clerk and Board Members, David Gay and James Wentworth. Scott Wilson, Vice Chair was not present. Richard Montuori, Town Manager and Attorney Charles Zaroulis were present.

### Scheduled Items

#### **Citations for Military Service to TMHS Graduates**

Citations were presented to the following Tewksbury Memorial High School graduates from the Class of 2014:

Peter Breakalis, Jr.	United States Army
Michael Charbonneau	United States Army
Nicholas Cafarelli	United States Marine Corps
John Cash	United States Marine Corps
Joseph Felix	United States Marine Corps
Kevin Haley	United States Marine Corps
Jeffrey Giasullo, Jr.	United States Marine Corps
Michael Reznikow	United States Marine Corps

#### **Legatt McCall—100 Ames Pond Development**

It was noted that this was not a public hearing and the Selectmen do not have any jurisdictional authorization to vote on any plans presented tonight. Any zoning changes would have to go through the Planning Board. Nothing presented this evening should require any votes from the Selectmen; this presentation is for information only.

Representing Legatt McCall Properties was Mr. William (Bill) Gause. Also present was Ms. Christine Stone for Legatt McCall Properties and also Mr. John Dawley, President and CEO of Northland Residential Corporation. The group agreed this is an informal discussion about a proposal townhouse-style residential development. The proposed site at Ames Pond would need to be re-zoned as a multi-family residential development in order for the proposal to be pursued, which was understood needed to be presented and ultimately decided by the Planning Board. The number of units would be approximately 75 to 90 and would target the age of 55 and over. The units would consist of two and three bedroom townhouses. The reason the developer would prefer residential property over new commercial office space is that rents aren't sufficient to justify new construction at this time and are unlikely to be insufficient for many years to come.

The site is well suited to resident development and will afford seniors the opportunity to downsize. This is a win for the Town as it will recognize more tax revenue than the alternative of having the property vacant. It will also limit the increase in the demand for services compared with a traditional multi-family development.

The history of Ames Pond Drive was reviewed along with its development to date. Currently there is not much new construction in 495 North which would make the units desirable. The site could be developed as 40B; however the applicant was not interested in pursuing this, but could discuss. Rents are high for the most part so the applicant felt this would be a property to own as many of the clientele would be downsizing. Would market to Westford, Chelmsford, Lowell, Lawrence, Tewksbury, and Andover as the applicant would desire to entertain residents on the Route 3 and 495 bands mostly targeting Chelmsford.

Residential buildings could be built and occupied faster to harvest tax income sooner than a commercial building. The plan assumes 85 residential units, start construction July 1, 2015 and deliver complete in two years at 85% market rate and 15% affordable.

Mr. John Dawley, President and CEO of Northland Residential Corporation and specializes in for sale residential housing for developers. He has conducted sales in the range of \$300K to \$3M all over New England in multifamily homeownership. The development is targeted for active adult living with independent purposes. The vision is to use the 30-acre site accessed by either a boulevard or a road to a secluded wooded neighborhood. The units would be three-story and half buildings to resemble a house. Seeking feedback on residential empty nesters who are active community members and may have my have raised a family but would want to have their property cared for. In his experience of developing over 1,500 units there will need to be deed restrictions as condo living is not attractive to family living. Impact on communities municipal services is minimal as roads are privately owned and the town would not have to provide snow plowing. The development would be on the open market but age appropriate to ages 50 to 55. Primarily two bedroom units and one unit could have three bedrooms.

A number of different models were considered. Capitalizing on the orientation to the pond and a secluded area, surrounded by single family living is prime selling points. Limited density for town home development as it is proposed to be four units to the acre. Comparably apartments are usually 10 units to the acre.

Local projects include 100 units in Burlington almost the same footprint of proposed development. It is called Village at Seven Springs on east side of Route 128 opposite the mall. Another development was 240 units in Bourne around the Brookside Club. Other projects have been completed in Hingham, Acton and Duxbury as high-end units. These products sold well at the \$400K to \$500K range. Note that Bella Woods and Jill's Way are comparable sales and were successful.

The Chair opened the meeting up for the public to speak. The following residents came forward:

Jean Olson, 71 Overlook Drive, asked how adjacent homes would be affected on by this type of development. Mr. Sadwick noted the study hasn't been conducted yet; there may be some information with office buildings to be constructed but not residential homes. This won't be conducted until the proposal is submitted for a zoning change. Tonight what is being shown is a proposal, it is uncertain if the applicant can build. It is proposed for a 75-90 unit development.

John Patel, 21 Overlook Drive, commented the conversion of the property zoning could leave potential for other roads to be impacted as this has been happening in other projects. Road is really one way in and one way out.

Jim Haddon, 240 Cardigan Road, requested the trees on Cardigan Road to stay.

Bob Wald, 97 Cardigan Road, likely to have more families than the presentation suggests—maybe more older children still living at home. Mr. Sadwick has documentation on the impact studies on two other projects the town can compare which would include school-aged children with 55 and over communities.

Ann Buskey, 29 Heather Row, asked if it is possible to restrict the amount of units built. The Selectmen reiterated that they have not ability to influence in that matter. Could there be any public access to Ames Pond. The response was the property is owned by the pond is not owned by the developer.

Craig Spinale, 140 Cardigan Road, asked about the red and yellow lines to the abutting water sewer. The Selectmen noted all drainage needs should be addressed by the Conservation Commission directly and any changes to the current lines would need to go through the proper permitting process. Impact studies will be conducted with whoever would build on the property.

The Chair asked the Selectmen for their comments.

Mr. Montuori asked for the mailing addresses for those who present tonight.

Mr. Wentworth asked about traffic; as when other proposals came forth. Specifically for this site there are no reports, but for adjacent properties there are reports. It was believed to be a low impact.

Mr. Panilaitis had many question but held them as this is still at beginning of the process. He remains skeptical on the impact of the recession on commercial property as there is a great need for it.

Mr. Johnson thanked all for their cooperation and information.

### **Residents**

Mr. Johnson opened the hearing up to the public, no one present came forward to speak.

### **New Business**

#### **2014 Annual Appointments**

#### **Board of Appeals (three-year term)**

One opening as one member not seeking and one associate member did not reapply. Gerald Kutcher serves as an associate member and as applied for the three-year term vacancy.

**MOTION: Mr. Wilson made the motion to appoint Mr. Gerald Kutcher as a new member to the Board of Appeals for a three-year term as of July 1, 2014 through June 30, 2017; Mr. Gay seconded and the motion carried 5 to 0.**

Board of Appeals Associate Members (one-year term)

There are two openings for associate positions for the Board of Appeals. There were no applications presented for these positions.

Board of Registrars (three-year term)

Mr. Frank Teague has reapplied for a three-year term

**MOTION: Mr. Wentworth made the motion to appoint Mr. Frank Teague as a member to the Board of Registrars for a three-year term as of July 1, 2014 through June 30, 2017; Mr. Wilson seconded and the motion carried 5 to 0.**

Community Preservation Committee

Mr. Thomas S. Churchill and Ms. Donna M. Pelczar have applied for appointment to this committee. Mr. Churchill has been previously appointed for a three-year term and does not need reappointment. The Selectmen took Ms. Pelczar's application into consideration and would like to interview her and any other interested parties.

**MOTION: Mr. Wentworth made the motion to conduct interviews for the open position on the Community Preservation Committee; seconded by Mr. Wilson, and the motion carried 5 to 0.**

**MOTION: Mr. Gay made the motion to reappoint Mr. James Wentworth as the Board of Selectmen designee to the Community Preservation Committee for one-year or concurrent with his term as a selectmen member; seconded by Mr. Wilson and the motion carried 4-0-1 with Mr. Wentworth not voting.**

Community Teamwork, Inc. Town of Tewksbury Representative (one-year term)

Ms. Rita O'Brien Dee has submitted for reappointment and Mr. Edward J. Starr has submitted a new application. The Selectmen discussed there may be some additional requirements of an application which would need to be explored. Once this is complete the Selectmen will interview all interested parties as qualified to apply.

**MOTION: Mr. Wilson made the motion to research the requirements for this position and once the research is complete to conduct interviews for the open position of Community Teamwork, Inc. Town of Tewksbury Representative; seconded by Mr. Panilaitis, and the motion carried 5 to 0.**

Conservation Commission (three-year term)

It was noted that appointments for these positions should be staggered, in order to keep consistency on this board. The Selectmen reappointed current members with corrected terms and then took new applications into consideration.

**MOTION: Mr. Gay made the motion to reappoint Mr. Stephen D. Deackoff to the Conservation Commission for a three-year term as of July 1, 2014 through June 30, 2017; Mr. Wilson seconded and the motion carried 5 to 0.**

**MOTION: Mr. Wilson made the motion to reappoint Mr. Dennis Sheehan to the Conservation Commission extending his term through June 30, 2016, as his**

**term was truncated through clerical error; Mr. Panilaitis seconded and the motion carried 5 to 0.**

It was noted there is a current sitting member, who does not desire to be reappointed. This position can be filled and currently applications can be submitted to fill this term for a one year:

On application has been submitted, and the Selectmen would like to hold interviews for interested parties.

**MOTION: Mr. Wentworth made the motion to conduct interviews for the open position on the Conservation Commission; seconded by Mr. Wilson, and the motion carried 5 to 0.**

Council on Aging (three-year term effective in December)

All terms for this committee expire on December 31 of the given calendar year. Town Meeting has adopted a change to those terms to expire end June 30 of the given calendar year to coincide with the other boards/committees in Tewksbury. At this time the Attorney General has not approved Town Meeting vote. The Selectmen agreed to table these appointments until the warrant article is in effect. There are currently enough applicants and members to serve until this occurs.

**MOTION: Mr. Gay made the motion to table appointments to the Council on Aging until the Massachusetts Attorney General approves the Town Meeting Warrant on this matter to change the terms to end in June instead of December for consistency; seconded by Mr. Wilson, and the motion carried 5 to 0.**

It was noted the Board will conduct interviews over the next two weeks for all applicants. Residents were urged to apply quickly.

Economic Development Committee (one-year term)

**MOTION: Mr. Gay made the motion to reappoint Brian P. Linder, Michael G. Monahan, and Patricia A. Lelos and Marko B. Duffy to the Economic Development Committee for a one-year term as of July 1, 2014 through June 30, 2015; Mr. Gay seconded and the motion carried 5 to 0.**

**MOTION: Mr. Wilson made the motion to reappoint Mr. Bruce Panilaitis as the Board of Selectmen designee to the Economic Development Committee for a term of one-year or concurrent with his term as a selectmen member; seconded by Mr. Gay and the motion carried 4-0-1 with Mr. Panilaitis not voting.**

Economic Development Process Review Committee (one-year term)

This committee has always had one opening and is operating with four instead of five seats. Only two members have applied for reappointment. The other two have been contacted but have not submitted formal requests to be reappointed.

**MOTION: Mr. Gay made the motion to reappoint Timothy H. Barnes and Susan Amato to the Economic Development Process Review Committee for a one-year**

term as of July 1, 2014 through June 30, 2015; Mr. Wilson seconded and the motion carried 5 to 0.

**MOTION:** Mr. Wentworth made the motion to reappoint Mr. Todd Johnson as the Board of Selectmen designee to the Economic Development Process Review Committee for a term of one-year or concurrent with his term as a selectmen member; seconded by Mr. Wilson and the motion carried 4-0-1 with Mr. Johnson not voting.

Historic Commission (two-year term)

There is currently one opening for the Historic Commission and the Selectmen have received no applications.

Local Housing Partnership (two-year term)

There are four members sitting members, some advisory members and some appointed members. Three members are seeking reappointment, Gregg Peters (application presented tonight), Ray White, and Ron Roy.

**MOTION:** Mr. Wilson made the motion to reappoint Gregg Peters, Ron Roy and Ray White to the Local Housing Partnership for a two-year term as of July 1, 2014 through June 30, 2016; Mr. Wentworth seconded and the motion carried 5 to 0.

**MOTION:** Mr. Johnson made the motion to reappoint Mr. Scott Wilson as the Board of Selectmen designee to the Local Housing Partnership for a term of two-years or concurrent with his term as a selectmen member; seconded by Mr. Gay and the motion carried 5-0.

To complete this committee the Town Clerk's office is currently seeking those appointments from the Board of Health for an advisory member, a Conservation Commission representative, and a School Committee representative. No action was taken on Edward Starr's new application.

Lowell Regional Transit Association Representative (one-year term)

**MOTION:** Mr. Wilson made the motion to reappoint Mr. David Gay as the Board of Selectmen designee to the Lowell Regional Transit Association for one-year or concurrent with his term as a selectmen member; seconded by Mr. Panilaitis and the motion carried 5-0.

Mass Cultural Council (three-year term)

This committee can have up to 20 members for 3 year term which cannot be consecutive terms. Applications for reappointment are Jacqueline Stone, Christian Panasuk, and Judy Dziadosz.

**MOTION:** Mr. Wentworth made the motion to reappoint Jacqueline Stone, Christian Panasuk, and Judy Dziadosz to the Mass Cultural Council for a three-year term as of July 1, 2014 through June 30, 2017; Mr. Gay seconded and the motion carried 5 to 0.

**MOTION:** Mr. Johnson made the motion to reappoint Mr. Scott Wilson as the Board of Selectmen designee to the Local Housing Partnership for three-years or concurrent with his term as a selectmen member; seconded by Mr. Gay and the motion carried 5-0.

One member did not reapply; and one member was elected to School Committee, which makes that member longer eligible.

NMCOG (Northern Middlesex Council of Government)

**MOTION:** Mr. Johnson made the motion to reappoint Mr. David Gay as the Board of Selectmen designee to NMCOG (Northern Middlesex Council of Government) concurrent with his term as a selectmen member; seconded by Mr. Wentworth and the motion carried 5-0.

Recycling Committee (three year term)

This committee has seven members. Four members applied for reappointment, Jae Gray, Sandra A. Barbeau, Loretta A. Ryan, and Pamela A. Meroski and two other members have not applied for reappointment. There is one open position. All terms expired on June 30, 2014

**MOTION:** Mr. Gay made the motion to reappoint Jae Gray, Sandra A. Barbeau, Loretta A. Ryan, and Pamela A. Meroski to the Tewksbury Recycling Committee for a three-year term as of July 1, 2014 through June 30, 2017; Mr. Panilaitis seconded and the motion carried 5 to 0.

Scholarship and Education Fund Committee (three-year term)

The committee needs four members, and currently there are no applicants.

Tewksbury Beautification Committee (one-year term)

This is a nine member committee. Applications have been received for reappointments from Paige F. Impink, Tracy S. Clement, Sandra A. Wilson, and Jacqueline Stone. New applications have been received from Douglas W. Sears and Nancy J. Gentile. Members not seeking reappointment are Joseph Mazzola, Susan Boucher, and Daniel Elliman have not requested reappointed.

**MOTION:** Mr. Gay made the motion to reappoint Paige F. Impink, Tracy S. Clement, Sandra A. Wilson, and Jacqueline Stone to the Tewksbury Beautification Committee for a one-year term as of July 1, 2014 through June 30, 2015; Mr. Wentworth seconded and the motion carried 5 to 0.

**MOTION:** Mr. Gay made the motion to table the new applications until all applications are received; seconded by Mr. Wilson and the motion carried 5-0.

**MOTION:** Mr. Panilaitis made the motion to reappoint Mr. Scott Wilson as the Board of Selectmen designee to the Tewksbury Beautification Committee for a term of one-year or a concurrent with his term as a selectmen member; seconded by Mr. Wentworth and the motion carried 5-0.

Town Center Master Plan Committee (one-year term)

This is a five member committee. Reappointments have been requested by Brian K. Charron, Jonathan T. Ciampa, Jacqueline Stone and Scott Wilson as a resident. Mr. Keeley has not been able to attend meetings but has not applied for reappointment.

**MOTION: Mr. Wentworth made the motion to reappoint Brian K. Charron, Jonathan T. Ciampa Jacqueline Stone and Scott Wilson to the Town Center Master Plan Committee for a one-year term as of July 1, 2014 through June 30, 2015; Mr. Gay seconded and the motion carried 5 to 0.**

**MOTION: Mr. Wilson made the motion to reappoint Mr. Bruce Panilaitis as the Board of Selectmen designee to the Town Center Master Plan Committee for a term of one-year or a concurrent with his term as a selectmen member; seconded by Mr. Gay and the motion carried 5-0.**

Town Counsel

The Selectmen have received correspondence from Charles Zaroulis who has requested reappointment to the position of Town Counsel.

**MOTION: Mr. Panalaitis made the motion to reappoint Charles J. Zaroulis as Town Counsel; Mr. Wilson seconded and the motion carried 5 to 0.**

He has requested if he is appointed to Town Counsel that the board consider obtaining the services of another attorney and upon appointment of such attorney, and Mr. Zaroulis continue to serve as Senior Town Counsel at a reduced case schedule.

Constables (three-year term)

Mr. Johnson read all names into the record who have applied for reappointment. Theofanis Zambakis and Scott Breaker did return their applications before tonight's meeting. The individuals who have applied for constable as residents of Tewksbury are James Mazza, George H. Rost, Jr.; Timothy Mancusi; Scott Breaker; and Theofanis Zambakis. The Board has also received a new application for Edward Walker. All CORI checks have been presented satisfactory.

**MOTION: Mr. Wilson made the motion to appoint James Mazza, George H. Rost, Jr.; Timothy Mancusi; Scott Breaker; and Theofanis Zambakis as Constable (resident of the Town of Tewksbury); Mr. Gay seconded and the motion carried 5 to 0.**

The Board approved the seven applications that were received for Constable (non-resident of Tewksbury), which the town may not have more than 10 appointed.

**MOTION: Mr. Wilson made the motion to appoint Dana Berkeley, Richard Carter, Gregory Danas, Peter Danas, Richard A. Hopkinson, Anthony Saia and Delia Ruiz as Constable (non-resident of the Town of Tewksbury); Mr. Gay seconded and the motion carried 5 to 0.**

There are more appointments to be made and the board may conduct interviews after working their session on Tuesday, June 24.



## **Town Manager**

### **Town Counsel Invoice—April 2014**

**MOTION:** Mr. Wilson made the motion to approve Town Counsel's invoice in the amount of \$12,307.35 for the month of April 2014; Mr. Gay seconded and the motion carried 5 to 0.

### **Town of Pepperell—Coalition of Municipalities—Tennessee Gas Pipeline**

In a memo dated June 3, 2014 to Municipal Administrators from John Moak, Town Administrator for the Town of Pepperell regarding opposition to the Tennessee Gas Pipeline and the formation of the Middlesex County Coalition of Municipalities to join together on this matter. At this time there is very limited information on this matter available to communities.

**MOTION:** Mr. Wilson made the motion to direct the Town Manager to send correspondence on behalf of the Board of Selectmen indicating interest from the board to join the coalition and reserve further commitment until meeting with Tennessee Gas on June 24, 2014; at this time the Tewksbury Board of Selectmen has no position on the matter; Mr. Panalaitis seconded and the motion carried 5 to 0.

Mr. Montuori will go through phone logs and emails of the public who have inquired about this matter to be sure those interested are aware of the meeting on June 24 which will likely be held at the Senior Center.

### **Approval of Minutes June 3, 2014 (regular session)**

Minutes for June 3 were postponed until next meeting.

## **Board Member Reports**

### **James Wentworth:**

- Noted he is the son of a West Point graduate who served with Vietnam and was pleased the Board called on all recent graduates who will serve our country for the citation presentation this evening.
- Thanks to Carla Barchard and Lisa Driscoll who coordinated career day event at Ryan School was so great to see students engaged in the conversation in the classroom
- Farmer's Market update: since having a cold spring there is not an over abundance of produce; however, the market had great week! Thanks to residents for supporting the Farmer's Market

### **David Gay:**

- LRTA had annual meeting last Thursday and elected the same slate of officer from the previous term. One action Jim Scanlon's contract was extended to a three-year contract and will be reviewed for an increase in pay after one year.

### **Bruce Panilaitis:**

- EDC met and is moving forward, will review the Route 38 assessment next meeting

- Town Center Committee still working on schedule
- July golf tournament by Old Man Softball, funds will be to replace Memorial Field score board
- Thanks to Mr. Wentworth for the idea to recognize the individuals who will go into service for our country

**Scott Wilson:**

No report this evening.

**Todd Johnson:**

- Asked via email that Beautification Committee in town sponsoring the first annual Cleanup Tewksbury Day on June 28 from 10-2 and is asking for residents to create teams to volunteer to address a particular area. All equipment will be provided. Interested parties should contact [clean.up.tewksbury@gmail.com](mailto:clean.up.tewksbury@gmail.com) to signup.
- Question for Mr. Montuori as the town water report has been received, and unaccounted water has resurfaced. The report stated 19% and previous years were 14% and 10%, please explain. The town's metering of water has gotten better, so the 10% is on the low side. Due to water main breaks we have been fortunate the number hasn't increased severely this year but is still high. Fire hydrant flushing and leaky pipes in buildings etc. bring us to the 19%; however the goal is to be under 15%. Some of the 19% is stolen water and are dealing with these cases as with every year. Some steps are being taking to improve infrastructure and renovate the plants to help reduce unaccounted for water. This is also measured annually. Enterprise budget did factor this in.

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On Monday, June 23, the Selectmen will meet for a working session to prepare for the meeting with Tennessee Gas on Tuesday, June 24. This meeting will not be televised or taped.

On Tuesday, June 24 at 7:00 at the Tewksbury Senior Center, all residents are invited to attend Tennessee Gas meeting where representatives will be in attendance to present the proposal of the gas pipeline impacting Tewksbury. The meeting will be tape delayed.

The next regularly scheduled Selectmen's Meeting following Town Meeting will be held on Tuesday, July 15, 2014 at 7:00 p.m.

***Adjournment***

**MOTION: Mr. Gay made the motion for the Board to adjourn at 9:45 p.m.; Mr. Wilson seconded, and the motion carried 5 to 0.**

***Approved by the Board of Selectmen on August 12, 2014***